



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
650 Capitol Mall, Suite 4-100
Sacramento, CA. 95814-4708
October 19, 2005

IN REPLY REFER TO
HDA-CA
Document # 48223

Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, California 95814

Attention: Rachel Falsetti, Transportation Programming, MS-82

Dear Mr. Kempton:

SUBJECT: FY 2004/05 – 2006/07 FSTIP Amendment No. 3 – Kings County Association of Governments (KCAG)

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our review of Amendment No. 3 to the KCAG 2004/05 – 2006/07 Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated September 22, 2005. KCAG adopted this amendment with Resolution No. 05-15 on August 25, 2005.

This amendment adds or modifies projects that include funding from the FTA 5307 program, the Congestion Mitigation and Air Quality (CMAQ) program, and the National Highway System program. The federal agencies note that this amendment includes a project (CTIPS ID # 116-0000-0063, \$2.604 million in ROW funds for Route 198 Expressway) that is non-exempt from the requirement to determine conformity. As Amendment No. 3 is submitted without such conformity analysis and determination, the Route 198 Expressway project is excluded from this approval action.

With the exclusion noted above, we accept this amendment in accordance with the provisions of 23 CFR Part 450. We find that this amendment was developed through a continuing, cooperative, and comprehensive transportation planning process carried out in accordance with the provisions of 23 U.S.C. section 134, and section 8 of the Federal Transit Act (49 U.S.C. app. §1607). With the exclusion noted above, based on our review, we find that changes made to the KCAG FTIP by this amendment do not require new emissions modeling because they include projects determined to be the types listed in 40 CFR 93.126 & 127 as being exempt from any regional emissions analysis. Therefore, we find this FTIP to conform to the applicable State Implementation Plan (SIP).

This finding has been coordinated with the regional office of the Environmental Protection Agency (EPA) and is provided in accordance with the procedures outlined on the Memorandum of Understanding between the FHWA, California Division, and the FTA, Region IX, dated July 15, 2004, on Roles and Responsibilities for Multi-mode Amendments. This approval is provided with the understanding that approval of this programming action does not provide a federal eligibility determination for CMAQ funded projects included in this amendment.

Excluding the Route 198 Expressway project, this letter also constitutes approval and inclusion of the KCAG's FTIP Amendment No. 3, into California's 2004/05 – 2006/07 Federal Statewide Transportation Improvement Program (FSTIP).

If you have any questions or need further information, please contact Mr. Leigh Levine of the FHWA, California Division office at (916) 498-5034, or Mr. Ted Matley of the FTA, Region IX office at (415) 744-2590.

Sincerely,

/s/ Leslie T. Rogers

Leslie T. Rogers
Regional Administrator
Federal Transit Administration



For
Gene K. Fong
Division Administrator
Federal Highway Administration

cc: (e-mail)

Bill Zumwalt, KCAG

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Randy Steen, Caltrans - Federal Resources Branch

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cc: (other)

KCAG 2004 FTIP Binder

LLevine:lmg